

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

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TRACEY BRADLEY,	:	
	:	
Plaintiff	:	
	:	NO. 3:CV-07-556
-vs-	:	
	:	(Judge Kosik)
	:	
WALTER L. SPEED, GAINNEY	:	
TRANSPORT SERVICES, GAINNEY	:	
TRANSPORTATION SERVICES, INC.,	:	
and GAINNEY CORPORATION,	:	
	:	
Defendants	:	

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**MEMORANDUM AND ORDER**

We have before us a motion for partial summary judgment<sup>1</sup> pursuant to Fed.R.Civ.P. 56 directed at several counts of the amended complaint: Count II, negligent hiring against the Gainey defendants; Count III, negligent entrustment against the Gainey defendants; and Count IV, punitive damages against all defendants.

The motion has been briefed with references to evidence established through discovery. After examination of the briefs and evidence, there appears to us to be genuine issues as to material fact. Plaintiff should be allowed to offer proof at trial regarding punitive damages which may have direct impact on Counts

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<sup>1</sup>This matter started as a motion to dismiss. However, because evidence was inspected beyond the pleadings themselves, we converted the motion into one for partial summary judgment after appropriate notice to the parties.

II and III. We caution, however, that under the authority of Burke v. Maassen, 904 F.2d 178 (3d Cir. 1990), plaintiffs' burden may be a heavy one.

Accordingly, the defense motion is **DENIED**, and the defendants are given twenty (20) days in which to file an answer.

SO ORDERED.

**s/Edwin M. Kosik**  
United States District Judge

Dated: January 16, 2008